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Attorneys for Plaintiff and Counter-defendant

Attorneys for Plaintiff VIOLET BLUE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,

Plaintiff and Counter-defendant,

V.

ADA MAE JOHNSON a/k/a ADA WOFFINDEN, an individual d/b/a VIOLET BLUE a/k/a VIOLET a/k/a VIOLET LUST; ASSASSIN PICTURES INC., a California Corporation; ASSASSINCASH.COM; BILL T. FOX, an individual, a/k/a BILL FOX; FIVE STAR VIDEO L.C., an Arizona Limited Liability Company a/k/a Five Star Video Distributors LLC d/b/a Five Star Fulfillment; and DOES 1-10

Defendants and Counter-claimants.

Case No. C 07-5370 SI

**DECLARATION OF COLETTE
VOGELE IN SUPPORT OF
PLAINTIFF VIOLET BLUE'S
NOTICE OF MOTION AND (1)
SPECIAL MOTION TO STRIKE
FIFTH COUNTERCLAIM AS A
MERITLESS S.L.A.P.P. PURSUANT
TO CODE OF CIV. PROC. § 425.16;
AND (2) MOTION TO DISMISS
THIRD AND FOURTH
COUNTERCLAIMS**

The Honorable Susan Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Hearing Date: April 4, 2008
Hearing Time: 9:00 a.m.

I, Colette Vogeles, declare as follows:

1. I am a member of the State Bar of California, admitted to practice before this

Court, founding attorney of Vogeles & Associates, and attorney of record for Plaintiff and movant

Violet Blue ("Blue") herein. The facts contained in this declaration are known personally to me

and, if called as a witness, I could and would testify competently thereto under oath.

1 2. Attached hereto as Exhibit A is a true and correct copy of a printout dated
2 February 25, 2008, of an article entitled “Now Playing on Apple’s iTunes: Adult-Oriented
3 Podcasts”, from the website of The Wall Street Journal
4 (http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top).
5

6 3. Attached hereto as Exhibit B is a true and correct copy of a printout of a webpage
7 titled “In Pictures: The Web Celeb 25 – Forbes.com” dated February 25, 2008, from Forbes.com
8 (http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000).
9

10 4. Attached hereto as Exhibit C is a true and correct copy pages 18, 186 and 187 of
11 *O: the Oprah Magazine* for July 2007.
12

13 5. Attached hereto as Exhibit D is a true and correct copy of a printout dated
14 February 25, 2008, from the International Movie Database website entry for “Violet Blue”
15 (<http://www.imdb.com/name/nm1013326/>).
16

17 6. Attached hereto as Exhibit E is a true and correct copy of a printout dated
18 February 25, 2008, from the website of the Exotic Erotic Ball
19 (<http://exoeroball.com/em/062306/>) referencing the appearance of “Violet Blue” for the 2006
20 Exotic Erotic Ball.
21

22 7. Attached hereto as Exhibit F is a true and correct copy of a partial printout dated
23 January 28. 2008, of an entry from Plaintiff Blue’s website dated October 27, 2006
24 (<http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html/>). When printed, the webpage results in several leading pages of unformatted
25 advertising. For ease of reference, I have omitted from the exhibit these leading pages (pages 1-
26 6), and have included only the portion of this webpage that is relevant to Plaintiff’s Motion
27 (pages 7-10).
28

1 8. Attached hereto as Exhibit G is a true and correct copy of a printout dated
2 February 25, 2008, from the website titled "The TWiT Netcast Network with Leo Laporte" and
3 reflecting Episode 86 of the program "this WEEK in TECH" and the on-line notes relating to
4 that program (<http://twit.tv/86/>).

5 9. Attached hereto as Exhibit H is a true and correct copy of a printout of a blog
6 entry entitled "Violet Blue and the 'Moose Lodge'" dated February 25, 2008, from the website
7 of the San Francisco Chronicle entitled "SFGate: Culture Blog! : Violet Blue and the 'Moose
8 Lodge'" (http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&entry_id=13187/).

9 10. Attached hereto as Exhibit I is a true and correct copy of a document bearing
10 production number VB00096 which was produced to Defendant Johnson on January 17, 2008,
11 with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

12 11. Attached hereto as Exhibit J is a true and correct copy of a document bearing
13 production numbers VB00213 through VB00220 which were produced to Defendant Johnson on
14 January 17, 2008, with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

15 12. Attached hereto as Exhibit K is a true and correct copy of a printout dated
16 February 25, 2008, from another website of the Exotic Erotic Ball
17 (<http://www.exoticeroticball.com/>) referencing the appearance of "Violet Blue" for the 2008
18 Exotic Erotic Ball

19 13. Attached hereto as Exhibit L is a true and correct copy of a printout dated
20 February 25, 2008, of an article entitled "Violet Blue Gets Wild with Dave Pounder on
21 KSEXradio.com", from the Adult Industry News website
22 (<http://ainews.com/Archives/Story3350.phtml>).

23 14. Attached hereto as Exhibit M is a true and correct copy of a printout dated
24 February 25, 2008, of an article entitled "Violet Blue Memorabilia Sale," from the Adult
25 Industry News website (<http://www.ainews.com/story/12193/>).

1 15. Attached hereto as Exhibit N is a true and correct copy of a printout dated
2 February 25, 2008, of an article entitled "Legal Battle Ensues Between the Two Violet Blues",
3 from the Adult Video News website (<http://www.avn.com/index.cfm?objectID=d3d256ea-0408-6044-8a0880b3a36be003&slid=268442>).
4

5 16. Attached hereto as Exhibit O is a true and correct copy of a printout dated
6 February 25, 2008, of an article entitled "Analysis: Violet Blue v. Violet Blue," from the Adult
7 Video News website (<http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-87295A93B3801995&sitesection=law>).
8

9 17. Attached hereto as Exhibit P is a true and correct copy of a printout dated
10 February 25, 2008, from the Eros Zine website (<http://www.eros-london.com/articles/2007-10-30/newsbriefs103007/>).
11

12 18. Attached hereto as Exhibit Q is a true and correct copy of a printout dated
13 February 25, 2008, of an article entitled "Sex Writer Violet Blue Sues Porn Star Violet Blue
14 Over Name – Updated" posted at the Wired Blog Network website
15 (<http://blog.wired.com/27bstroke6/2007/10/sex-journo-viol.html/>).
16

17 19. Attached hereto as Exhibit R is a true and correct copy of a printout dated
18 February 25, 2008, from an article entitled "Press: Sex Ed Blogger Violet Blue to Start TWaT,
19 the All-Girl Tech Podcast?" from Gizmodo.com (<http://gizmodo.com/gadgets/press/sex-ed-blogger-violet-blue-to-start-twat-the-all+girl-tech-podcast-233732.php?mail2=true/>).
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21 20. Attached hereto as Exhibit S is a true and correct copy of a printout dated
22 February 25, 2008, from the South By Southwest Interactive website
23 (<http://2008.sxsw.cohttp://2008.sxsw.com/blogs/ia.php/2007/10/>).
24

25 21. Attached hereto as Exhibit T is a true and correct copy of a printout dated
26 February 25, 2008, of a blog entry entitled "Blue Monday: If Sex Educators Could Make A
27 Living Wage, Would We Sue To Protect Our Brand?" from the website Sexerati.com
28 (<http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wage-would-we-sue-to-protect-our-brand/>).
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22. Attached hereto as Exhibit U is a true and correct copy of a printout dated February 25, 2008, of an entry entitled "Will the Real 'Violet Blue' Please Stand Up; Writer-Blogger Sues Porn Star Over Name Use" from the Blogonaut blog (<http://blogonaut-blogonaut.blogspot.com/2007/10/will-real-violet-blue-please-stand-up.html>).

23. Attached hereto as Exhibit V is a true and correct copy of a printout dated February 25, 2008, entitled "Pornstar Violet Blue Changes Name", from the Adult Industry News website (<http://ainews.com/story/12515/>).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 25th day of February, 2008, at San Francisco, California.

/S/
Colette Vogelet

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